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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,357	10/07/2003	Riccardo Cesarini	7040.0054.01	3867
22852	7590	12/05/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				MAKI, STEVEN D
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/679,357

Applicant(s)

CESARINI ET AL.

Examiner

Steven D. Maki

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires _____ months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on 02 November 2006. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) They raise the issue of new matter (see NOTE below);
- (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 39-62 and 111-158.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. Other: See Continuation Sheet.

Continuation of 13. Other: Interview Summary, Notice of Non-Compliant Amendment, and PTO 892.

Advisory Action Attachment

NON-COMPLIANT AMENDMENT

The after final amendment filed 11-2-06 has not been entered because it is not complaint with rule 1.121. If another after final amendment is filed, which (1) deletes --a substantial part of-- in claim 135 and (2) deletes --a substantial part of-- in claim 154, and (3) does not make additional change(s) raising new issues, then such an after final amendment would be entered and the first and second paragraph rejections would be withdrawn.

BACKGROUND

Applicant argues that the specification offers no teaching to omit circumferential grooves to form a grid of elastomeric material portions fitted in with one another. See page 30 of response filed 11-2-06. **This argument is incorrect and is contrary to the original disclosure.** The original disclosure teaches a tread pattern having no longitudinal grooves. See page 3 lines 18-23. Applicant's *discovery*, as described in the original disclosure, is the adaptation of a motorcycle tread having no longitudinal grooves (no circumferential grooves) to tires for motor vehicles. See page 2 lines 28-31 and page 3 lines 1-23. The *foundation* of the original disclosure is the use of "substantially continuous tread portions" which are expressly defined in the original disclosure as intending to indicate a portion of the tread which is not interrupted by grooves so that the tread is substantially devoid of longitudinal hinge elements. See page 4 lines 15-22, page 7 lines 21-24, page 11 lines 23-26.

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With respect to omitting circumferential grooves, applicant argues that the specification teaches that the tread may comprise longitudinal slits. This argument is off-point. The *key feature* in applicant's original disclosure is omitting longitudinal grooves so that the tread is devoid of longitudinal hinge elements. See original disclosure for example at page 2 lines 28-31, page 3 lines 1-23, page 4 lines 15-22, page 7 lines 21-24 and page 11 lines 23-26. A longitudinal slit is defined by the original disclosure as not being a longitudinal groove. Page 1 lines 21-25 of the original disclosure carefully defines "groove" and "slit" as being *mutually exclusive*. In particular, note that the original disclosure defines a "groove" as having a width greater than 2 mm whereas a "slit" is defined by the original disclosure as having a width equal to or less than 2 mm.

Applicant comments and the examiner agrees that the original disclosure describes longitudinal slots (disconnection grooves) 20, 21. The disclosed and illustrated longitudinal disconnection grooves 20, 21 differ from the slits both in their size and placement. The original disclosure shows the longitudinal slots / grooves 20, 21 as being located axially outside of the "substantially continuous tread portions" 18.

Applicant argues that applicant's have shown an unexpected increase in performance of the claimed tire as compared to the conventional tire. The examples in the specification refer to asymmetric Pirelli Perzo, Bridgestone S-02, Michelin Pilot SX-MXX3 and Bridgestone Expedia S-01. See pages 21-29 of specification. With respect to photos of these tires, see references attached to this office action. As can be seen from these photos, none of the comparative tires mentioned in the specification

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comprise alternating groups of transversal grooves as is found in Hoover, Japan 408 and Sommers. The results in the specification have been considered but are not persuasive of non-obviousness. The claimed invention has not been compared with the closest prior art. No comparison has been made between (1) the claimed invention and (2) Hoover, Japan 408 or Sommers. It is emphasized that each of Hoover, Japan 408 and Sommers show that it was well known prior to the filing date of applicant's earliest application to provide a "non-motorcycle" tire with alternating groups of inclined transversal grooves.

HOOVER

Applicant argues that Hoover fails to teach the claimed "substantially-continuous tread portion [ending] at an equatorial groove portion of a same transverse groove of an axially-opposed group of transversal grooves" because the third rib from the top does not end at the same transversal groove as the other two ribs above it.

Applicant is incorrect. Hoover's figure 1 tread shows alternating groups of two transversal grooves 13 and two ribs (two substantially continuous tread portions). Each of Hoover's two substantially continuous tread portions (e.g. ribs 11 and 11a) end at the same transversal groove. Contrary to applicant's argument, there is no "third rib" the each of Hoover's groups. As a related matter, there is no "sixth" substantially continuous tread portion 18 in the group of five transversal grooves 15a, 15b, 15c, 15d, and 15e in the pitch P in figure 2 of applicant's disclosure.

JAPAN 408

It is undisputed that Japan 408 teaches diagonally extending a plurality of parallel continuous grooves 4 from the center region 2 to shoulder regions 3. These diagonally extending continuous grooves 4 correspond to applicant's claimed transversal grooves. Figures 1, 2 and 3 of Japan 408 show alternating groups of continuous *parallel* grooves 4 extend from the center region 2 to the shoulder region wherein none of the continuous *parallel* grooves 4 extend across the entire width of the tread. Japan 408 teaches using continuous parallel grooves extending diagonally from the center region to the shoulder regions instead of straight circumferential grooves (straight longitudinal grooves) to address the problem of straight circumferential grooves causing so-called groove wandering. Japan 408's teaching to avoid straight longitudinal grooves corresponds to applicant's disclosure that the tread pattern has no longitudinal grooves. Contrary to applicant's arguments, the key feature in Japan 408 is a tread having no straight longitudinal grooves. See pages 3 and 4 of Japan 408. The examiner agrees that adding straight longitudinal grooves such as longitudinal disconnection grooves 21, 22 would critically alter the key feature of the tire of Japan 408. However, no such modification of Japan 408's tire is being made.

Applicant argues that Japan 408 does not disclose "that each substantially continuous tread portion ends at an equatorial groove portion of a same transversal groove of an axially opposed group of transversal grooves ... that each of the transversal grooves ends at a predetermined distance from the equatorial groove portion of a longest transversal groove of the axially opposed group of transverse

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grooves so that all of the transversal grooves end within the equatorial zone ... the substantially continuous tread portions extend from said axially opposed shoulder zones towards the equatorial plane of the tire to form a structurally stiff grid of elastomeric material portions fitted in with one another". With respect to the above noted language, Examiner acknowledges that Japan 408's tread comprises a zigzag circumferential groove 7. However, Japan 408 motivates one of ordinary skill in the art to eliminate all "straight circumferential grooves" to prevent the occurrence of groove wandering while securing draining properties (page 6 lines 5-8) and Great Britain 472 motivates one of ordinary skill in the art to eliminate all circumferential grooves so that the tread has low noise and relatively high absorption of lateral forces and non-deformability of shape as required when traveling rapidly round bends.

With respect to Great Britain 472 and "fitted in with one another", applicant argues that the specification does not offer a teaching to omit circumferential grooves. This argument is based on an incorrect understanding of the claimed and disclosed invention and cannot therefore be persuasive.

With respect to "structurally stiff grid", applicant argues that Great Britain 472's tread surface profile must have some degree of mobility because Great Britain 472 discloses at page 3 lines 17-20 that the tread surface profile, which comprises a central web, adapts to the direction of rotation. This argument is not persuasive. First: It is undisputed that Great Britain 472 discloses a tire tread having no circumferential grooves. Second: The terms "structurally stiff grid" and "some degree of mobility" fail to define and require mutually exclusive concepts. Third: The description of "is adapted to

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the direction of rotation" at page 3 lines 17-20 in Great Britain 472 merely means that the tread surface profile is a directional tread - the tread has a preferred direction of rotation. This description is unrelated to mobility of rubber. Fourth: Great Britain 472's tread profile comprises inclined transversal grooves and continuous ribs 12, 13 (substantially continuous tread portions), which are not interrupted by longitudinal grooves (also known as circumferential grooves). Great Britain 472's tread profile (grid) is "stiff" since the tread profile is "not interrupted by grooves". Fifth: Great Britain 472 discloses "... a profile is achieved which has a relatively high absorption of lateral forces and non-deformability of shape, which is required for example when traveling rapidly round bends." (page 4). Great Britain 472's description of "relatively high absorption of lateral forces" and "non-deformability of shape" is consistent with "stiff" rubber but not rubber having "mobility". Great Britain 472's description of "relatively high absorption of lateral forces" and "non-deformability of shape" is consistent with and corresponds to the specification's description of "... allows these portions to absorb without bending nor too much deforming themselves, all the mechanical stresses imparted thereto during the tire rolling" (specification page 4).

Applicant argues that nothing in Great Britain 472 teaches that stresses are discharged along the axis of the substantially continuous tread portions. This argument is not persuasive. First: This argument is not commensurate in scope with claims 39-62 and 111-134. Each of claims 39-62 and 111-134 fail to require stresses being capable of being discharged along the axis of the substantially continuous tread portions. Second: The mutual fitting of the completely continuous ribs 12 and 13 (Great

Britain 472's figure 2) and Great Britain 472's description of "relatively high absorption of lateral forces" and "non-deformability of shape" constitute evidence (ignored by applicant) that Great Britain 472's tread profile discharges stresses along the axis of the ribs 12 and 13.

Applicant argues that Great Britain 472 fails to disclose that "each substantially-continuous tread portion ends at an equatorial groove portion of a same transversal groove of an axially opposed group of transversal grooves" and "each of the transversal grooves ends at a predetermined distance from the equatorial portion of a longest transversal group so that all of the transversal grooves end within the equatorial zone".

The above noted language requires groups of transversal grooves. Examiner acknowledges that Great Britain 472 does not recite that the directional tread comprises groups of inclined transversal grooves. However, Japan 408 suggests a directional tread having groups of inclined transversal grooves. In view of the substantial similarity of the tread patterns of Japan 408 and Great Britain 472 (directional tire tread pattern having inclined transversal grooves with steeply inclined equatorial groove portion and gently inclined shoulder groove portion, but having no straight circumferential grooves), there is ample suggestion for a directional tread having both alternating groups of inclined transversal grooves and no circumferential grooves. The benefit of using groups of transverse grooves as disclosed by Japan 408 includes formation of large, medium and small cycle pitches A, B and C to allow the sound pressure levels to be dispersed and reduce pattern noises. The benefit of using no circumferential grooves as per the disclosure of Great Britain 472 includes obtaining a tread having low noise

and relativley high absorption of lateral forces and non-deformability of shape as required when traveling rapidly round bends.

Applicant argues that Japan 109 does not teach all of the claimed limitations.

Examiner agrees that Japan 109 does not anticipate the claims under 35 USC 102.

However, Japan 109, like Great Britain 472, suggests using no circumferential grooves in a directional tread comprising inclined transversal grooves each having a steeply inclined portion and a gently inclined shoulder groove portion. This is true even though Japan 109 shows that inclined transversal grooves may cross the equatorial plane.

SOMMERS

With respect to Sommers, applicant argues that figures 8 and 8a of Sommers clearly show transversal grooves 51 ending at a zone beyond the end of the longest transversal groove 51 of the axially-opposed group of transversal grooves 51 so that the following limitation is not met: "each of the transversal grooves ends at a predetermined distance from the equatorial groove portion of a longest transversal groove of the axially opposed group of transversal groove". This argument is not persuasive. Figure 8 of Sommers shows a group of four inclined grooves defining four continuous tread portions. For example, see the completely illustrated group at the lower right of figure 8 of Sommers wherein the first continuous tread portion is identified as being rib 53. Each of the grooves of this group is at "a predetermined distance" from the longest groove of the axially opposed group of grooves. For example, the longest groove of this group ends at "a predetermined distance x" from the longest transversal groove of the axially opposed group. Another example, the shortest transversal groove ends at a

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"predetermined distance y" from the longest transversal groove of the axially opposed group. None of the independent claims require the same predetermined distance.

None of the independent claims require the predetermined distance to be measured from the side of the longest groove instead of the terminal end of the longest groove.

Applicant argues that figures 8 and 8a of Sommer clearly shows that some of the substantially-continuous tread portions or ribs 53 defined between the transversal grooves 51 do not end at an equatorial groove portion of a same transversal groove 51 of an axially opposed group of transversal grooves because some of the tread portions 53 end at a zone beyond the end of the longest transversal groove of the axially opposed transversal grooves 51. This argument is not persuasive. The continuous ribs 53 of one group of transversal grooves "ends at" the equatorial plane portion of the same longest transversal groove of the axially opposed group since they terminate at a location adjacent the same longest transversal groove such that only the zigzag rib 55 is located between the ends of the continuous ribs 53 of one group and the same longest transversal groove of the equatorial groove portion of an axially opposed group of transversal grooves. The same is true of applicant's substantially continuous tread portions. Figure 2 of the original disclosure illustrates a "zigzag rib" wherein this "zigzag rib" has a width "d" and is located between the substantially continuous tread portions 18 and the same longest transversal groove of the opposed group.

Applicant argues that that Sommer's longest transversal groove terminates at the equatorial plane because the grooves 51 run to the center plane and a zigzag rib runs parallel to the center plane. This argument is not persuasive. First: Claims 111-158 fail

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to require the longest groove to cross the equatorial plane. Second: Figures 8 and 8a of Sommer show the longest transversal grooves of each group crossing the equatorial plane. Contrary to applicant's arguments, the ends of the longest transversal grooves shown in figures 8 and 8a are not aligned on the equatorial plane. Third: As to page 3 left column lines 1-3, Sommer describes the direction in which the grooves and ribs run instead of requiring all of the ribs and grooves to end at the center plane. Fourth: As to page 3 left column lines 12-17, a zigzag rib running parallel with the center plane of the tire is not inconsistent with transversal grooves crossing the center plane. See "zigzag rib" having small width "d" in figure 2 of applicant's disclosure.

Applicant argues that the structural stiffness required by the claim is a stiffness capable of withstanding all of the thermal mechanical stresses imparted thereto during the tire rolling. Applicant directs attention to page 4 line 18 to page 5 line 1 of the specification. This argument is not persuasive since it fails to explain why "structurally stiff grid", which is not recited in claims 39-62 and 135-158, defines over Sommer.

Furthermore, page 4 line 18 to page 5 line 1 of the specification acknowledges that the tread portions of applicant's deform. Instead of describing the stiffness using art recognized terms such as modulus, page 4 line 18 describes, but does not define, structural stiffness using the relative expression "nor too much". None of the claims exclude all deformation and bending. How much can the claimed substantially continuous tread portions deform? Answer: Not too much. It is not seen why "not too much" limits the scope of claims 111 and 130 so as to distinguish over Sommers.

Applicant argues that Sommers ribs are deformed towards the next rib.

Examiner agrees that Sommer teaches that the ribs may partly deformed (not too much deformed) as an alternative to entirely deformed. See page 2 right column lines 35-38.

However, none of the claims exclude all deformation.

Applicant argues during rolling of Sommer's tire, the stresses imparted to the substantially continuous tread portions are essentially discharged along a circumferential direction and not along the axis of the ribs. This argument is not persuasive. First: Attorney arguments cannot take the place of evidence in the record. See MPEP 716.01(c). Second: This argument is not commensurate in scope with the claims since none of the claims require essentially all of the stresses to be discharged along the axis of the substantially continuous portions. Third: As implicitly acknowledged by applicant, a component of the force imparted to Sommer's rib must be discharged along the axis of the rib. Claims 135 and 154 require nothing more.

Applicant argues that Hargraves does not teach all of the claimed limitations.

Examiner agrees that Hargraves does not anticipate the claims under 35 USC 102. However, Hargraves teaches alternating groups of inclined transversal grooves and suggests locating the ends the inclined grooves of one group in Sommer's figure 8, 8a tread at the same distance from the longest groove of the axially opposed group.

Applicant argues that nothing in applicant's original filed specification teaches that the claimed feature according to which the stresses imparted to the substantially continuous tread portions are discharged along the axis is related to the absence of circumferential grooves. Applicant is incorrect. See original disclosure at page 1 lines

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21-25, page 2 lines 28-31, page 3 lines 1-23, page 4 lines 15-22, page 7 lines 21-24
and page 11 lines 23-27.

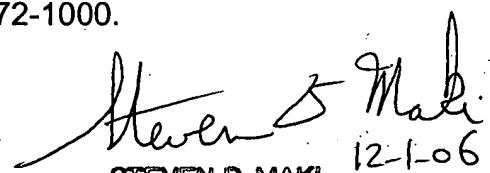
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki
November 30, 2006


STEVEN D. MAKI
PRIMARY EXAMINER
12-1-06

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No.	Applicant(s)
	10/679,357	CESARINI ET AL.
	Examiner Steven D. Maki	Art Unit 1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 02 November 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

In claims 39 and 58, "longest transversal groove" was changed to --longest traversal groove-- without appropriate underlining and bracketing

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.